

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**BRENDA GLASS, as surviving child and next
of kin of CLARENCE GLASS, deceased,**

Plaintiff,

v.

No. 2:09-cv-02206-SHM-cgc

**NORTHWEST AIRLINES, INC.,
DELTA AIRLINES, INC.,
PINNACLE AIRLINES, INC.,
PINNACLE AIRLINES CORPORATION,
AIR SERV CORPORATION,
and MEMPHIS-SHELBY COUNTY AIRPORT
AUTHORITY,**

Defendants.

**ORDER STRIKING PLAINTIFF’S REPLY TO DEFENDANT PINNACLE AIRLINES,
INC.’S RESPONSE TO PLAINTIFF’S MOTION TO HAVE PLAINTIFF’S FIRST SET
OF REQUESTS FOR ADMISSIONS PROPOUNDED TO DEFENDANT NORTHWEST
AIRLINES, INC. DEEMED ADMITTED, OR IN THE ALTERNATIVE TO
DETERMINE SUFFICIENCY OF RESPONSES, AND FOR REASONABLY INCURRED
EXPENSES**

Before the Court is Plaintiff’s Reply to Defendant Pinnacle Airlines, Inc.’s Response to Plaintiff’s Motion to Have Plaintiff’s First Set of Requests for Admissions Propounded to Defendant Northwest Airlines, Inc. Deemed Admitted, or in the Alternative to Determine Sufficiency of Responses, and for Reasonably Incurred Expenses. (D.E. #145). Upon review, both the Local Rules and the Scheduling Order in the instant case do not explicitly state whether a reply is permitted without obtaining leave of Court. However, because the Local Rules only expressly anticipate the filing as of right of a Motion and a Response, see Local Rule 7.2, the Court construes the Local

Rules to permit replies to be filed only after seeking leave of Court. Indeed, if the Court were to construe the ambiguity in the Local Rules otherwise, the Court would be permitting unlimited briefing and counter-briefing on any motion. Further, because the Scheduling Order does not expressly permit the filing of a reply without leave, the Court finds that the District Court has not authorized replies as of right. Accordingly, the Court finds that a party is not permitted to file a reply without first seeking leave of court. Plaintiff failed to seek leave of Court before filing the instant Reply. Accordingly, the Court ORDERS that Plaintiff's Reply be STRICKEN.

IT IS SO ORDERED this 28th day of May, 2010.

s/ Charmiane G. Claxton
CHARMIANE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE